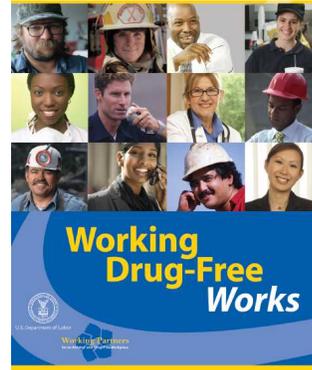


Drug Free Workplace



www.dol.gov/workingpartners

Adult Illicit Drug Use: A Workplace Concern

- ▶ 75% of all illicit drug users are employed
- ▶ 14.1% (17.7 million) of working adults in the U.S. reported using illicit drugs in the past year:
 - 11.23% (14.1 million) reported using enough to get high
- ▶ 3.1% (3.9 million) reported using before arriving at work or during working hours
 - 2.9% (3.6 million) reported working under the influence of illicit drugs

Adult Illicit Drug Use: A Workplace Concern

- ▶ One in ten workers in the U.S. has a drinking problem
- ▶ Substance abusers are 25–30% Less productive than non-abusing employees
- ▶ Substance abusers are five times more likely to file a W.C. claim
- ▶ Substance abusers use two and one half times the medical benefits of non-abusers.

Costs and Workplace Impact

- ▶ Change jobs frequently (voluntarily left, fired)
- ▶ Substance abusers are absent three times more often than non-abusers (8 days or more)
- ▶ Three times more likely to be late
- ▶ Three to four times more likely to be involved in a workplace accident
- ▶ Costs American businesses \$50 to \$100 billion annually

Hard-Hit Industries and Occupations

- ▶ Construction
- ▶ Manufacturing
- ▶ Mining
- ▶ Retail and sales
- ▶ Food services
- ▶ Certain sectors of transportation
- ▶ White collar jobs
- ▶ Athletics

Costs and Workplace Impact

- ▶ US Postal Service Study:
 - Employees who tested positive on pre-employment drug test were 77% more likely to be discharged within the first 3 years of employment and 66% more likely to be absent from work, than those testing negative.

Costs and Workplace Impact

- ▶ Survey of callers to a national cocaine helpline:
 - 75% reported using drugs on the job.
 - 64% admitted drugs adversely affected job performance.
 - 44% sold drugs to other employees.
 - 18% had stolen from co-workers to support their drug habit.

Costs and Workplace Impact

- ▶ Employees who are illegal drug users are twice as likely to have missed work in the past month.
- ▶ Individuals who are illegal drug users are twice as likely to have changed employers three or more times in the past year.
- ▶ 44% Worked for small sized employers (1-24)
- ▶ 43% Worked for medium sized employers (25-499)

Costs and Workplace Impact

Drug Abuse Costs in U.S. - \$180.9 Billion



Health and Other Costs

- ▶ Increased injuries, accidents
- ▶ Increased health care costs
- ▶ Bullying
- ▶ Harassing
- ▶ Theft/crime
- ▶ Disease
- ▶ Morale

Utah Experience

- ▶ Utah Labor Commission – Drug and Alcohol Research Focus Group – 1998
- ▶ Three Groups – Company size ranging from 10 to 400 employees.
- ▶ Obtain a better understanding of UT employers attitudes and opinions regarding workplace drug and alcohol issues.

Utah Experience Focus Group Findings

- ▶ Companies with active programs did so because of:
 - Regulatory Requirements
 - Contractual Requirements
 - Recommended by insurance carrier
 - Near Miss
 - Safety / Productivity of Employees
 - Lack of understanding regarding benefits

Utah Experience Findings – Barriers

- ▶ Don't know how to develop / implement
- ▶ Fear of litigation
- ▶ Time commitment
- ▶ Lack of management support
- ▶ Size of company
- ▶ Not knowing / understanding risks VS. benefits
- ▶ Doesn't affect me, I know my employees

Utah Experience Misconceptions

- ▶ I can weed out the sort that use drugs
 - You can tell my looking at a person
- ▶ We are a small company
- ▶ Not having a Drug Free Workplace Program does not really hurt our company

Benefits of a Drug and Alcohol Free Workplace

- ▶ Increased Morale
- ▶ Increased Creativity
- ▶ Positive Public Image
- ▶ Few Accidents
- ▶ Reduced Insurance Claims and Costs
- ▶ Reduced Staff Turnover
- ▶ Reduced Employee Theft and Fraud
- ▶ Reduced Absenteeism and Tardiness
- ▶ Reduced Health Insurance Costs
- ▶ Increased Productivity
- ▶ It makes good business sense

Mandatory Testing

- ▶ Employers covered by federal DOT regulations
 - Commercial Drivers
 - 5-panel testing
 - Alcohol
 - Separate test
 - No longer than 8 hours after an incident
 - Preferred a couple of hours before or after a shift
- ▶ Federal Government
 - Drug Free Work Place Act 1988
 - Organizations with federal grants and contracts in excess of \$100,000.

Determining If There is a Problem or Potential Problem

- ▶ Identify organizational indicators of substandard performance:
 - Injuries, theft and property losses
 - Security breaches
 - Benefits utilization
 - Absenteeism
 - Training costs
 - Workers compensation costs
 - Suspicious accidents/injuries

Determining If There is a Problem or Potential Problem

- ▶ Call together company representatives
 - Safety
 - Security
 - Employee Benefits
 - H/R Personnel
 - Dept Managers

Determining If There is a Problem or Potential Problem

- ▶ Obtain national, state or local statistics
- ▶ Gather workers views
- ▶ Gather customer views?
- ▶ Compare data with observations to draw conclusions

Steps to a Drug Free Workplace

1. **Substance Abuse Policy**
2. Employee Education and Awareness Program
3. Supervisor Training
4. Employee Assistance Program
5. Drug Testing

Substance Abuse Policy

- ▶ Integrate the ideas of corporate interest and employee well-being for workers, dependents, co-workers.
 - Why are you doing this?
 - Perceived problem
 - Requirement
 - Ensure future drug free workplace
 - Reported abuse problems
 - Workers compensation claim or recommendation
 - Safety Financial incentive
 - High accident rate

Substance Abuse Policy

- ▶ Spell it out
- ▶ State the unacceptability of alcohol or other drug use on the job or that affects work performance
- ▶ Policy
- ▶ Procedures
 - If procedures and policy are combined in on document, each time you want to change a procedure, you will have to give proper notice to employees (signed consent)

Substance Abuse Policy

- ▶ Policy
 - General statement of intent
 - Scope of whom is covered
 - Prohibited drug and alcohol acts
 - Types of testing allowed
 - Reasons for testing
 - Definitions
 - Disciplinary plan/rehabilitation plan/EAP

Substance Abuse Procedures

- ▶ Procedures
 - collection procedures
 - Method of reporting tests
 - Method of reviewing pos. tests by a medical review officer
 - Confidentiality procedures
 - Reasonable suspicion testing protocol
 - Transportation of employees thought to be impaired for testing
 - Payment of testing

Substance Abuse Procedures

- ▶ Procedures
 - Forms for managers
 - Return to work or last chance agreements
 - Procedures for addressing diluted, adulterated, substituted, or not suitable for testing, specimens
 - Emergency procedures
 - Contesting results and grievance procedures
 - How records will be retained and stored

Substance Abuse Policy

- ▶ Define what constitutes an infraction of work policy in regard to substance abuse and describe consequences.
- ▶ Outline policy on use of alcohol at company-sponsored activities.
- ▶ Provide training for supervisors, employee representatives. Include education and outreach information.

Substance Abuse Policy

- ▶ Recognize that alcohol and other drug problems are treatable and identify company or community resources where employees with problems can get help
- ▶ Describe the responsibility of an employee with an alcohol or other drug problem to seek and complete treatment

Substance Abuse Policy

- ▶ Make clear that participation in EAP (employee assistance program) or other treatment is confidential and will not jeopardize the employment relationship but will not protect employees from disciplinary action for continued unacceptable job performance or rule violations.

Substance Abuse Policy

- ▶ Describe position on drug and alcohol testing, what and how the testing will be done, and the consequences of a positive test result or failure to comply with the testing program.

Steps to a Drug Free Workplace

1. Substance Abuse Policy
2. **Employee Education and Awareness Program**
3. Supervisor Training
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5. Drug Testing

Employee Education and Awareness

- ▶ Information on how alcohol and other drugs affect the company's productivity, quality, absenteeism, health care costs, or accident rates
- ▶ workplace substance abuse policy and the consequences of using drugs or alcohol – on or off the job

Employee Education and Awareness

- ▶ Information on the health effects of alcohol and other drugs – both illegal and prescription.
- ▶ Information on how to get help with alcohol and other drug problems, including a description of services available to help employees.

Employee Education and Awareness

- ▶ A thorough explanation of testing procedures, with special attention to the consequences of testing positive, failing to cooperate with testing process, procedures for ensuring accuracy and confidentiality, and re-test procedures.

Steps to a Drug Free Workplace

1. Substance Abuse Policy
2. Employee Education and Awareness Program
3. **Supervisor Training**
4. Employee Assistance Program
5. Drug Testing

Supervisor Training

- ▶ Supervisors should be able to:
 - Develop and communicate objective job performance standards so that *deteriorating performance* can be documented.
 - Observe and *document* incidents and examples of unsatisfactory work performance or behavior.

Supervisor Training

- ▶ Supervisors should be able to:
 - Communicate with employees about work problems and explain what needs to be done to correct problems.
 - Set appropriate time limits for improvement, and emphasize lack of improvement could result in disciplinary action that may result in termination.

Supervisor Training

- ▶ Supervisors should be able to:
 - Inform the employee of the availability of assistance for personal problems, emphasize their responsibility to address personal problems.
 - Initiate testing or company procedures as outlined in the policy.
 - Help employees re-enter the workplace.

Supervisor Training

- ▶ Supervisors should be able to:
 - Participate in prevention and education strategies
 - Give background on drug testing issues
 - Provide information on specific drugs.
 - Understand physiological and psychological aspects of drug and alcohol addiction
 - Recognize methods of detecting drug and alcohol use
 - Know laws regarding drug possession

Steps to a Drug Free Workplace

1. Substance Abuse Policy
2. Employee Education and Awareness Program
3. Supervisor Training
4. **Employee Assistance Program**
5. Drug Testing

Employee Assistance Programs

- ▶ Employee benefit programs offered by many employers, typically in conjunction with a health insurance plan. EAPs are intended to help employees deal with personal problems that might adversely impact their work performance, health, and well-being. They generally include assessment, short-term counseling and referral services for employees and their household members.

Employee Assistance Programs

- ▶ Provide assistance with more than drug and alcohol abuse issues
- ▶ Source of education and training
- ▶ Demonstrate employers respect for employees
- ▶ Systematic approach to handling of troubled employees

Employee Assistance Programs

- ▶ Can often be coordinated with employee benefit programs
- ▶ Often EAP type services are available from state agencies, health departments
- ▶ You must understand how EAP services coordinate with job duties, what referral will and will not do.

Steps to a Drug Free Workplace

1. Substance Abuse Policy
2. Employee Education and Awareness Program
3. Supervisor Training
4. Employee Assistance Program
5. **Drug Testing**

Drug Testing Program

- ▶ Who Will Be Tested?
 - Applicants
 - All Employees
 - Safety Sensitive
 - Required by Law
- ▶ Define type of tests-Sample
 - Urine
 - Blood - best for alcohol
 - Breath
 - Saliva
 - Hair
- ▶ When Will Testing Be Done?
 - Pre-Employment
 - Post-Accident
 - How long does it stay in the system?
 - For Cause
 - Random

| Commonly Abused Stimulants | | | | | |
|----------------------------|---|--|------------------------------------|---------------|----------------------|
| Substance | Proprietary or Street Names | Medical Uses | Route of Administration | SEA Schedule | Drug Detection Times |
| Amphetamine | Biphelamine, Dexedrine; Black Beauties, Crosses, Hearts | Attention deficit hyperactivity disorder (ADHD), obesity, narcolepsy | Injected, oral, smoked, snuffed | II | 1-2 days |
| Cocaine | Coke, Crack, Flake, Rocks, Snow | Local anesthetic, vasoconstrictor | Injected, smoked, snuffed | II | 1-4 days |
| Methamphetamine | Desoxyn; Crank, Crystal, Glass, Ice, Speed | ADHD, obesity, narcolepsy | Injected, oral, snuffed | II | 1-2 days |
| Methylphenidate | Ritalin | ADHD, narcolepsy | Injected, oral | II | 1-2 days |
| Nicotine | Nicotine patch, Nicorette gum, Nicotrol spray, Prostep patch; Cigars, Cigarettes, Smokeless tobacco, Snuff, Spik tobacco | Treatment for nicotine dependence | Smoked, snuffed, oral, transdermal | not Scheduled | 1-2 days |

| Commonly Abused Opioids and Morphine Derivatives | | | | | |
|--|--|--|---------------------------|----------------|----------------------|
| Substance | Proprietary or Street Names | Medical Uses | Route of Administration | SEA Schedule | Drug Detection Times |
| Codeine | Tylenol w/codeine, Robitussin A-C, Empirin w/codeine, Fiorinal w/codeine | Analgesic, antitussive | Injected, Oral | I, II, III, IV | 1-2 days |
| Heroin | Diacetylmorphine; Horse, smack | None | Injected, smoked, snuffed | I | 1-2 days |
| Methadone | Amisone, Dolophine, Methadose | Analgesic, treatment for opiate dependence | Injected, Oral | II | 1 day - 1 week |
| Morphine | Kozanox, Duramorph | Analgesic | Injected, Oral, Smoked | I, II, III | 1-2 days |
| Opium | Saunders, Paregoric; Dover's Powder | Analgesic, Antidiarrheal | Oral, Smoked | I, III, V | 1-2 days |

| Commonly Abused Hallucinogens and Other Compounds | | | | | |
|---|--|-----------------------------|-------------------------|--------------|---|
| Substance | Proprietary or Street Names | Medical Uses | Route of Administration | SEA Schedule | Drug Detection Times |
| LSD | Acid, Microdot | None | Oral | I | 8 hours |
| Mescaline | Buttons, Cactus, Mesa, Peyote | None | Oral | I | 2-3 days |
| Phencyclidine & Analogs | PCP; Angel Dust, Boat, Hog, Love Boat | Anesthetic (veterinary) | Injected, oral, smoked | I, II | 2-8 days |
| Psilocybin | Magic Mushroom, Purple Passion, Shrooms | None | Oral | I | 8 hours |
| Amphetamine variants | DOB, DOM, MDA, MDA, Adam, Ecstasy, STP, XTC | None | Oral | I | 1-2 days |
| Marijuana | Blunt, Grass, Herb, Pot, Reelers, Sinsemilla, Smoke, Weed | None | Oral, smoked | I | 1 day - 5 weeks |
| Hashish | Hash | None | Oral, smoked | I | 1 day - 5 weeks |
| Tetrahydrocannabinol | Marijuana, THC | Antiemetic | Oral, smoked | I, II | 1 day - 5 weeks |
| Anabolic Steroids | Testosterone (1% ratio), Stanozolol, Nandrolone | Hormone Replacement therapy | Oral, injected | III | Oral: up to 3 weeks (for testosterone and others); injected: up to 3 months Nandrolone up to 6 months |

| Commonly Abused Depressants | | | | | |
|-----------------------------|--|--|-------------------------|---------------|----------------------|
| Substance | Proprietary or Street Names | Medical Uses | Route of Administration | DEA Schedule | Drug Detection Times |
| Alcohol | Beer, Wine, Liquor | Antidote for methanol poisoning | Oral | Not Scheduled | 2-10 hours |
| Barbiturates | Amytal, Nembutal, Seconal, Phenobarbital, Barbs | Sedative, anticonvulsant, hypnotic, sedative | Injected, oral | II, III, IV | 2-10 days |
| Benzodiazepines | Xivan, Halcion, Librium, Valium, Rohifex, Tranks, Xanax | Anxiolysis, anticonvulsant, hypnotic, sedative | Injected, oral | IV | 1-6 weeks |
| Methaqualone | Quaalude, Ludes | None | Oral | I | 6 weeks |

Drug Testing

- ▶ What Drugs Will Be Tested For
 - Barbiturates
 - Benzodiazepines
 - Methadone
 - Propoxyphene
 - Club Drugs
 - Ecstasy
 - GHB
- ▶ Name
- ▶ Screening Cutoff
- ▶ Confirmation Cutoff
 - Alcohol
 - Marijuana
 - Cocaine
 - Amphetamines
 - Opiates
 - Phencyclidine (PCP)
- ▶ Prescription Drugs
 - Oxycodone
 - Loratab

Pre-Employment Testing

- ▶ Employment is conditional upon passing a drug test
- ▶ Refusal to consent to such drug testing may stop any further action towards employment
 - Promotions
 - reclassification

Post Accident

- ▶ An incident occurring while on company business that results in an injury to yourself or others
- ▶ Requiring medical attention
 - May define that more specifically (beyond first aid, lost time, etc.)
 - If sent to the ER call your contracted drug screener to meet them there, preferably before they have been given medication
- ▶ Damage to property
- ▶ Red flag when there is a delay in reporting

For Cause – Reasonable Cause

- ▶ Supervisors should consult with upper management before this test is required
- ▶ Observable phenomena (actual use, possession)
- ▶ Abnormal conduct/behavior/job performance
- ▶ Drug related investigation, arrest, or conviction
- ▶ Employee drug test tampering
 - Kits sold on the internet
- ▶ Information from reliable source

Random Testing

- ▶ Systematic random selection, giving equal probability that any employee will be selected
 - Management must also be included
- ▶ The company will test 1% to 100% of the employee population on an annual basis
- ▶ Once selected give the employee a pre-selected number of hours to give the sample

Drug Testing

- ▶ How frequently will testing be done?
- ▶ Consent Forms – signed
- ▶ Explain procedures
 - Where to go, when, ID

- ▶ What will happen if applicant tests positive?
 - Discipline
 - EAP or other Rehabilitation Treatment
 - Refuse to hire?
 - Reapply after a set period of time?
 - Allow immediate retest?
- ▶ If there is a positive test post accident, the law assumes it is a major contributing factor and medical only is paid, indemnity denied
- ▶ WCF will deny indemnity only when it is obvious the use is a major cause (case-by-case)

Drug Testing

- ▶ What type of laboratory will be used?
- ▶ Confirmation testing? (GC/MS – split)
- ▶ Will a medical review officer be utilized?
- ▶ Procedure to confirm positive test results.
- ▶ Precautions to preserve confidentiality
- ▶ Who will have access to test results?
- ▶ Background checks?

Legal Issues

- ▶ Americans With Disabilities Act (ADA)
 - Employers required to attempt to accommodate the physical and mental limitations of qualified disabled persons unless accommodation would result in an undue hardship.
 - Employees disabled by alcoholism may be covered. It is performance that counts
 - Employees engaged in illegal drug use or activity may not.
 - State laws may supersede

Legal Issues – Utah

- ▶ 34-38-1 – Utah Drug and Alcohol Testing Act (Private Sector)
- ▶ 34A-2-302 – WC – Employee’s Willful Misconduct – Penalty
 - (a) Compensation provided for by this chapter shall be reduced by 15% when injury is caused by the willful failure of the employee.
 - Use of a controlled substance not obtained in a valid manner.

Resources

- ▶ www.samhsa.gov
- ▶ www.usdoj.gov
- ▶ www.dot.gov
- ▶ www.nida.nih.gov
- ▶ www.whitehousedrugpolicy.gov
- ▶ www.hsmh.state.ut.us
- ▶ US Department of Labor – elaws
- ▶ www.dol.com/elaws
- ▶ www.osha.gov
 - “D” – Drugs in the workplace
- ▶ www.drugfreeworkplace.gov
- ▶ www.getfit.samhsa.gov